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OPEN MEETING ITEM

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MEMORANDUM

TO: THE COMMISSION

2001 AUG 15 P 4:46

FROM: Utilities Division

AZ CORP COMMISSION  
DOCUMENT CONTROL

DATE: August 15, 2001

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF A DS1 AND DS3 CAPABLE LOOPS AMENDMENT TO THE INTERCONNECTION AGREEMENT WITH XO ARIZONA, INC., F/K/A NEXTLINK ARIZONA, INC. (DOCKET NOS. T-01051B-01-0586 AND T-03601A-01-0586)

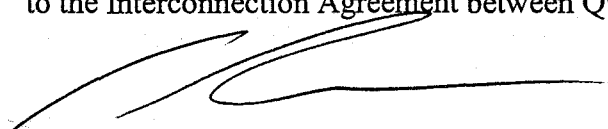
On July 24, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an Application for approval of an Amendment to the Interconnection Agreement between Qwest and XO Arizona, Inc. ("XO") f/k/a Nextlink Arizona, Inc. The original Interconnection Agreement was approved by the Commission on March 1, 2000, in Decision No. 61261.

The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Amendment to the Interconnection Agreement between Qwest and XO was voluntarily negotiated, without resort to arbitration.

Under the terms of this Amendment, terms and conditions for DS1 and DS3 Capable Loops are added to the Interconnection Agreement.

According to the 1996 Act and State Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Since there are no grounds for rejection of the Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the Amendment to the Interconnection Agreement between Qwest and XO.




Steven M. Olea  
Acting Director  
Utilities Division

SMO:EAA:lhmmAS

ORIGINATOR: Erinn Andreasen

Arizona Corporation Commission  
**DOCKETED**

AUG 15 2001

DOCKETED BY	
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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL

Chairman

3 JIM IRVIN

Commissioner

4 MARC SPITZER

Commissioner

5  
6 IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION F/K/A U S WEST )  
7 COMMUNICATIONS, INC., FOR APPROVAL )  
OF A DS1 AND DS3 CAPABLE LOOPS )  
8 AMENDMENT TO THE INTERCONNECTION )  
AGREEMENT WITH XO ARIZONA, INC., )  
9 F/K/A NEXTLINK ARIZONA, INC. )

DOCKET NOS. T-01051B-01-0586  
T-03601A-01-0586

DECISION NO. \_\_\_\_\_

ORDER

10 Open Meeting  
August 28 and 29, 2001  
11 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On July 24, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications,  
15 Inc., filed an Application for approval of an Amendment to the Interconnection between Qwest  
16 and XO Arizona, Inc. ("XO") f/k/a Nextlink Arizona, Inc. The original Interconnection  
17 Agreement was approved by the Commission on March 1, 2000, in Decision No. 61261.

18 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local  
19 exchange carriers to make their networks available for interconnection and resale by new entrants  
20 to the local exchange market. The 1996 Act provides for interconnection and resale agreements  
21 to be concluded by voluntary negotiation.

22 3. This Amendment to the Interconnection Agreement between Qwest and XO was  
23 voluntarily negotiated, without resort to arbitration.

24 4. Under the terms of this Amendment, terms and conditions for DS1 and DS3  
25 Capable Loops are added to the Interconnection Agreement.

26 5. According to the 1996 Act and Commission Rule, the Commission must approve  
27 voluntarily negotiated interconnection and resale agreements, if their provisions are non-  
28 discriminatory and in the public interest.

1           6.     Staff has reviewed the Amendment and finds it to be non-discriminatory and in the  
2 public interest. Qwest is offering the same terms and conditions of the Agreement to all other  
3 interested parties. The Agreement is in the public interest because it will act to further  
4 competition in the local exchange market in Arizona.

5           7.     Since there are no grounds for rejection of the Amendment pursuant to Section  
6 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the  
7 Amendment to the Interconnection Agreement between Qwest and XO.

8                               CONCLUSIONS OF LAW

9           1.     Qwest is an Arizona public service corporation within the meaning of Article XV,  
10 Section 2, of the Arizona Constitution.

11          2.     The Commission has jurisdiction over XO and over the subject matter of the  
12 Application.

13          3.     The Commission, having reviewed the Application and Staff's Memorandum has  
14 determined that the Amendment to the Interconnection Agreement negotiated between Qwest and  
15 XO meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval  
16 of voluntarily-negotiated agreements and is in the public interest.

17          4.     The Commission maintains jurisdiction over the subject matter of the Agreement  
18 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission  
19 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules  
20 promulgated thereunder.

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ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Amendment to the Interconnection Agreement between Qwest and XO filed on July 24, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
Executive Secretary of the Arizona Corporation  
Commission, have hereunto, set my hand and caused the  
official seal of this Commission to be affixed at the Capitol,  
in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

SMO:EAA:lhmm\MAS

1 SERVICE LIST FOR: Qwest Corporation and XO Arizona, Inc.

2 DOCKET NOS. T-01051B-01-0586 and T-03601A-01-0586

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4 XO Arizona, Inc.

Attn: Director, Regulatory and External Affairs

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Salt Lake City, Utah 84111

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